

REMARKS

The Office Action mailed June 7, 2001 has been reviewed and carefully considered. Claim 1 has been amended. Claims 1-5 and 7 are pending in this application, with claims 1, 4, and 5 being the only independent claims. Reconsideration of the above-identified application, as amended, and in view of the following remarks is respectfully requested.

In the Office Action mailed June 7, 2001, claims 1-3 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,562,565 (Moroto). Claim 7 stand rejected under 35 U.S.C. §103 as unpatentable over Moroto.

Independent claims 4 and 5 were found to be allowable.

Before discussing the prior art and the Examiner's rejections of the claims in view of the prior art, a brief summary of the present invention is appropriate. The present invention is directed to a drive having an electrical traction motor with a rotor, a shiftable transmission having at least one variable speed mechanical gear stage connected to said rotor and having an output, and at least one brake connected to the output of the at least one variable speed mechanical gear stage. The brake is arranged for stopping the output relative to the fixed stator.

Independent claim 1 now recites "a shiftable transmission having at least one variable speed mechanical gear stage connected to said rotor and having an output", and "at least one brake connected for acting directly on the output of the at least one variable speed mechanical gear stage for locking the output and thereby preventing rotation of the output during parking of the vehicle".

It is respectfully submitted that independent claim 1 is not anticipated by Moroto because Moroto fails to disclose a brake directly connected to the output of the at least one variable speed mechanical gear stage. Instead, Moroto discloses a hybrid vehicle power

Serial No.: 09/430,943

transmission in which a brake B is activated to stop a sun gear S. The brake B locks the sun gear but allow rotation of output shaft 22. Accordingly, independent claim 1 is not anticipated by Moroto.

Furthermore, independent claim 1 is not obvious over Moroto because Moroto fails to teach or suggest a brake connected to an output of a drive for locking rotation of the output. Rather Motoro teaches a brake for slowing down a vehicle by connecting the electric drive to the internal combustion engine for slowing down the vehicle by an engine brake.

Dependent claims 3 and 7, being dependent on independent claim 1 are allowable for the same reasons that independent claim 1 is allowable.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By 

Klaus P. Stoffel
Reg. No. 31,668
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: September 6, 2001



Serial No.: 09/430,943

AMENDMENTS TO THE SPECIFICATION AND CLAIMS SHOWING CHANGES

In the Claims:

1. (Amended) A drive for track laying vehicles, comprising:
 - an electric traction motor having a rotor;
 - a shiftable transmission having at least one variable speed mechanical gear stage

connected to said rotor and having an output; and

at least one brake connected for acting directly on the output of the at least one variable speed mechanical gear stage for locking the output and thereby preventing rotation of the output during parking of the vehicle;

wherein at least one of said gear stage and said brake are arranged inside the rotor of the electric motor and the other of said gear stage and said brake are arranged laterally outside the electric motor so as to be arranged coaxially therewith and in substantially the same plane.

RECEIVED

SEP 13 2001

703600 MAIL ROOM